



**Donald C. Brittingham**  
Director – Spectrum Policy  
Federal Relations  
202-589-3785

**Verizon Wireless**  
1300 I Street, N.W.  
Suite 400 West  
Washington, D.C. 20005

January 25, 2002

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Room: TW-A325  
Washington, DC 20554

Re: **Ex Parte Communications**  
*Service Rules for the 746-764 and 776-794 MHz Bands and*  
*Revision to Part 27 of the Commission's Rules; WT Docket No. 99-168*

Dear Ms. Salas:

This letter is written in response to an *ex parte* letter filed by the Private Radio Section of the Telecommunications Industry Association ("TIA/PRS") on November 6, 2001, in the above-captioned proceeding.<sup>1</sup> The letter supports the Petition for Reconsideration ("Petition") filed by the National Public Safety Telecommunications Council ("NPSTC") on March 7, 2001 in which NPSTC asked the Commission to reconsider its decision to allow high power, commercial base station operations in the 777-792 MHz band. The TIA/PRS letter goes further to request that the Commission adopt extremely restrictive out-of-band emission ("OOBE") limits for both the 747-762 MHz and 777-792 MHz bands. Verizon Wireless urges the Commission to reject TIA/PRS's request.

As a procedural matter, TIA/PRS's request does not meet the standard for reconsideration of a Commission decision. The Commission has considered and rejected requests to adopt more stringent OOBE limits on three separate occasions; initially in its First Report and Order and twice on reconsideration.<sup>2</sup> The TIA/PRS letter does not

---

<sup>1</sup> See Ex Parte Letter from Mr. Bill Belt, Wireless Communications Division, Private Radio Section of the Telecommunications Industry Association ("TIA PRS"), to Mr. Stan Wiggins, Policy Division, Wireless Telecommunications Bureau, FCC, dated Nov. 6, 2001.

<sup>2</sup> See Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, *First Report and Order*, 15 FCC Rcd

provide any additional information regarding the potential for interference between commercial and public safety systems operating in the 700 MHz band beyond that which was presented and considered by the Commission in conjunction with each of these earlier decisions.

TIA/PRS attempts to justify reconsideration on the basis of new information that has surfaced involving interference problems occurring in the 800 MHz band. However, as TIA/PRS notes, the *Best Practices Guide*, which outlines the potential for interference in the 800 MHz band, was published one month before the Commission adopted its 2<sup>nd</sup> MO&O and the Commission was aware of the potential for interference at 800 MHz well before its publication. Consequently, the Commission had ample opportunity to take into consideration the interference issues at 800 MHz if it believed such issues had any bearing on the instant proceeding.

Importantly, the type of interference that the *Best Practices Guide* addresses at 800 MHz is not the same type of interference that NPSTC has identified in its Petition. The *Best Practices Guide* identifies the potential for harmful interference into public safety mobiles from commercial base stations operating in adjacent bands.<sup>3</sup> Conversely, the Petition identifies the potential for interference from commercial base stations into public safety base stations as a result of the Commission's decision to permit the operation of base stations in the 777-792 MHz band.

Verizon Wireless would like to remind the Commission that, not only are overly restrictive OOB limits unnecessary to protect public safety, as the Commission has already determined, but they would adversely affect the use of the band for commercial services. Such limits would place an unwarranted burden on commercial operators and significantly reduce the amount of useable commercial spectrum.<sup>4</sup>

As we have previously noted, the level of attenuation established by the Commission in its First Report and Order is more than 30 dB greater than that which applies to existing commercial operations in other bands (i.e., cellular, PCS, and SMR). The limits recommended by TIA/PRS would subject commercial operators to an additional 34 dB of attenuation. TIA/PRS has failed to demonstrate why such a limit is

---

476 (2000); *see also* Memorandum Opinion and Order and Further Notice of Proposed Rulemaking (MO&O), FCC 00-224, rel. June 30, 2000, 2000 WL 870832 (2000); *see also* Second Memorandum Opinion and Order (2<sup>nd</sup> MO&O), 16 FCC Rcd 1239 (2001).

<sup>3</sup> While Verizon Wireless continues to work with the industry and the public safety community to address these interference issues, our technical analyses thus far have determined that interference at 800 MHz is generally attributed to Nextel and its operations in the interleaved portion of the lower 800 MHz band.

<sup>4</sup> See Opposition of Bell Atlantic Mobile, Inc. to Petition for Reconsideration of APCO ("BAM Opposition"), filed March 10, 2000, *In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules*, WT Docket No. 99-168.

Ms. Magalie Roman Salas

January 25, 2001

Page 3

necessary to protect public safety operations, particularly given the significantly harmful effect it would have on commercial operators. Moreover, the Commission has already considered and addressed in detail the issue of OOBE limits for the 700 MHz band, and TIA/PRS's request constitutes impermissible reargument that does not constitute grounds for reconsideration.<sup>5</sup> We urge you to reject TIA/PRS's request.

If you have any questions regarding this matter, please call me on (202) 589-3785.

Respectfully submitted,

/s/

Donald C. Brittingham

cc: Stan Wiggins  
Bill Belt (TIA)  
Marilyn Ward (NPSTC)

---

<sup>5</sup> See, e.g., *Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Service Number Portability Obligations*, WT Docket No. 98-229, FCC 00-47 (rel. Feb. 23, 2000) (denying petition for reconsideration which reargued issues that the Commission had already decided).